HIGH COURT OF UTTARANCHAL AT – NAINITAL.

Writ Petition No. 354 (S/S) of 2003

Kuwar Pal Singh Mangat Singh,
R/o village Kubarakpur, P.O. Laksar,
Distt. Haridwar.

……Petitioner.

Vs.

1. District Inspector of Schools, Haridwar,
2. K.V. Inter College, Laksar, Haridwar through its Manager,
   Laksar, Haridwar.
3. The Principal, K.V. Inter College,
   Laskar , Haridwar.
4. Joint Director of Education, Puri,
   Garhwal Gegion, Pauri, ……..Respondents.

Sri Nagesh Agrawal, Ad. & Sri Pankaj Migalni, learned Ad. for the petitioner,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of mandamus to command the respondents to enforce the order of Joint Director of Education/ respondents no. 4 dated 02.06.2003 and has further prayed to command the respondents to promote the petitioner against the vacancy in Class III in the In the Institution.

Heard Sri Pankaj Miglani learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal.

By order dated 02.06.2003, the Joint Direction of Education has passed order that the appointment under dying-in-harness Rules should not be made on the vacancies curtailing 50% quota. This order was not complied with, consequently the petitioner filed present writ petition.

This Court on 04.07.2003 has passed the order that the post, which is vacant, shall not be filled by direct recruitment and in the meantime the respondent shall dispose of the representation filed by the petitioner.

The Joint Director of Education ha decided the representation of the petitioner by its order dated 02.04.2004 and has accepted the claim of the petition. While deciding the representation, the Joint Director of Education has directed the District Inspector or School to promote the petitioner on Class- III post under 50% quota. In the aforesaid order

while directing the DIOS, the Joint Director of Education ha justified his order by holding that the petitioner was a schedule caste candidate and since there is no representation of scheduled caste in the Class-III post of the Institute, the petitioner is entitled to promoted.

In view of the aforesaid facts, the writ petition has become infructuous and disposed of accordingly.

Sd/-

June 16, 2004:

NCM: